



## **PUBLIC RECORDS (PIRT) POLICY**

Approved by City Council: 3/19/2019

### **A. PURPOSE**

The purpose of this policy is to aid in determining what is a public record, when public records are to be entered in the Public Information Request Tracking (PIRT) system, protocol for updates and responses for requestors, general protocol for determining which departments need to respond, and protocol for how the Legal Department is to be used in responding to public records, among other items listed below. It is the policy of the City of Greensboro to comply with all requests for public records in accordance with the law. Public records are the property of the people.

### **B. PUBLIC RECORDS**

#### **1. Public Records Defined**

North Carolina General Statute (NCGS) 132-1(a) defines public records as “all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.”

According to NCGS 132-6.2(e), “Nothing in this section shall be construed to require a public agency to respond to a request for a copy of a public record by creating or compiling a record that does not exist.” Requestors should be aware that the Public Records Policy does not require the City to do research, analyze data, or answer written questions.

## **2. Protected Records**

All records maintained by the City of Greensboro are public unless they are exempt from disclosure under North Carolina Public Records Law. If a records request is denied, the City will cite the appropriate law that prohibits the disclosure.

Exempted records include, but are not limited to:

- Confidential communications from the attorney to the client within the scope of the attorney-client relationship as defined in NCGS 132-1.1(a).
- Criminal investigation records and records of criminal intelligence information, as provided in NCGS 132-1.4 (active and closed investigations).
- Sensitive public security information, including specific details of public security plans and arrangements, detailed plans and drawings of public buildings and infrastructure facilities, and certain plans to prevent and respond to terrorist activity, as provided in NCGS 132-1.7, and technology security information, as provided in NCGS 132-6.1.
- Records of minors per NCGS 132-1.4, 132-1.12, and 7B-2901.
- All information contained in City employees' personnel files maintained by the City is confidential in accordance with NCGS 160A-168, except information deemed by NCGS 160A-168(b) to be a matter of public record. These rules apply to personnel information for applicants, current employees, and former employees.
- Tax information pertaining to a taxpayer's income or gross receipts may not be disclosed, as provided in NCGS 132-1.1(b).
- Social security numbers and other personal identifying information is confidential and unlawful to disclose to the public. In addition to social security numbers, "personal identifying information" includes: employer taxpayer identification numbers; drivers' license numbers, state identification card numbers, and passport numbers; checking, savings, credit, and debit account numbers; personal identification code (PIN) numbers used to access financial resources; digital signatures; any other numbers or information that can be used to access a person's financial resources; biometric data; fingerprints; and passwords, all as provided in NCGS 132-1.10, NCGS 75-61, and NCGS 14-113.20.
- Trade secrets and electronic payment account numbers are protected as set forth in NCGS 132-1.2. (Note that to protect a "trade secret" detailed requirements must be met.)

- The seal of an architect, engineer, or land surveyor when that seal has been submitted for project approval under Part 5 of Article 19, Chapter 160A (Building Inspections) as set forth in NCGS 132-1.2.
- Certain “trial preparation materials” are protected as provided in NCGS 132-1.9. If records are created for or at the request of an attorney for the City when the City is engaged in litigation or litigation is anticipated, these records are likely protected “trial preparation materials.” The Legal Department should be consulted if there is a request for such records.
- Names and addresses of complaining witnesses to crimes must be temporarily withheld if release of the information is reasonably likely to pose certain threats to the witnesses or materially compromise the investigation, as provided in NCGS 132-1.4.
- Certain economic development incentives are temporarily protected, but the City must make certain prior disclosures to applicants, as provided in NCGS 132-1.11 and NCGS 132-6(d).
- Closed session meeting minutes that are deemed protected under NCGS 143-318.10(e).
- Public enterprise billing information, as provided in NCGS 132-1.1(c).
- Records protected by copyright. The City must permit inspection of records protected by copyright, but cannot make copies of copyrighted records, pursuant to 17 U.S.C. § 106(1).

#### **C. RESPONSIBILITY FOR RECORDS**

The City department that is the custodian of the requested record will be assigned the public information request. The Legal Department will be involved in requests where it is the custodian of the records or where legal determinations need to be made.

City of Greensboro employees who assist in providing information to PIRT requests will be required to complete formal training in public information request protocol and public records law.

#### **D. RETENTION AND DISPOSITION OF PUBLIC RECORDS**

North Carolina’s Public Records law requires that public records in all formats be managed in a manner that protects their integrity and allows public inspection and copying. Except for public records that are retained in office permanently, such as the minutes of City Council, the City may destroy public records, both physical and digital, after the records are retained for the correct time periods in the records retention schedules published by the North Carolina Department of Natural and Cultural Resources.

## **E. RECORDS REQUESTS**

### **1. Responding to a Public Records Request**

According to NCGS 132-6(a), “Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law.”

A public records request can be placed with any City employee or department; however, for the best accountability and turnaround time, the City recommends submitting a public information request directly to the PIRT Administrator through the PIRT Portal on the City website at [www.greensboro-nc.gov/government/public-records-requests](http://www.greensboro-nc.gov/government/public-records-requests). Please describe the information you are seeking, including as much detail as possible and the format in which you would like to receive copies of records. Requests also may be submitted via email to [inforequest@greensboro-nc.gov](mailto:inforequest@greensboro-nc.gov) or mail to:

PIRT Administrator  
Greensboro Central Library  
219 North Church Street  
Greensboro, NC 27402-3178

The PIRT Administrator will work on a timely, thorough, and transparent response to all records requests.

All public information requests received by the PIRT Administrator will be logged into the PIRT system and deemed a PIRT request. Public information requests received elsewhere in the City that are expected to take longer than one day (8 hours) to complete will be logged into the PIRT system and deemed PIRT requests.

The requestor will receive an email response acknowledging the request with an assigned PIRT number within two business days after submission of the PIRT. If the PIRT Administrator requires additional information before beginning to process the request, the PIRT Administrator will contact the requestor.

Within five business days of receipt of the records request, the PIRT Administrator will respond by

- 1) providing copies of the records in digital or physical format, or providing access to the records; 2) if there are no responsive records, providing a written statement that a search was made and no responsive records were located; 3) if the responsive records are exempt from the Public Records law, either denying access to the entire records or providing the records with the exempt information redacted; or
- 4) informing the requestor that more time is needed and providing an estimated deadline for the response.

If records are exempt, the PIRT Administrator will provide the number of exempted records and the legal justification for denial of access to the records.

If a response takes longer than five business days, the PIRT Administrator will contact the requestor to provide an update on the PIRT request. Please take into account the volume of records requested. The requestor may check the status of the PIRT request on the City's website at any time at [www.greensboro-nc.gov/government/public-records-requests](http://www.greensboro-nc.gov/government/public-records-requests) or call the PIRT Administrator at 336-373-3636.

The requestor will be deemed unresponsive and the requestor's PIRT request closed when ten business days have passed and the requestor has not responded to the PIRT Administrator's follow-up inquiry.

**a. Responding to Requests for Emails and Other Digital Communications**

Upon receipt of a PIRT request for emails, the PIRT Administrator will determine the appropriate search keywords and date range for a search of the City's email archive. The PIRT Administrator will contact the requestor and discuss the PIRT request and search strategy. The requestor may modify the search keywords and date range. The search keywords and date range will be recorded in the PIRT system.

The City of Greensboro may apply a deduplication analytics filter to PIRT email requests. The filter is designed to remove duplicative emails. The PIRT Administrator will provide the requestor the option of use of the deduplication analytics filter. The requestor's response will be recorded in the PIRT system.

City employees will review identified emails. As with other records that are exempt from disclosure under state or federal laws, the PIRT Administrator may deny access to the protected emails. The PIRT Administrator will provide the number of such emails along with the legal justification for denial of access.

The PIRT Administrator will request Council communications or documents that may not be maintained in the City's technology systems for appropriate PIRT requests.

Council member emails and "Talk to Council" emails will be uploaded to the City of Greensboro's open data portal, [Open Gate City](http://Open Gate City), on a weekly basis for public review for one year. At the end of the one year, the emails will drop off in 30-day increments, but will be archived and made available upon request.

**b. Requests by City Council Members**

Any request placed by a City Council member to the PIRT Administrator will be placed in the PIRT system and available online at [www.greensboro-nc.gov/government/public-records-requests](http://www.greensboro-nc.gov/government/public-records-requests).

## **2. Redacting Protected Information**

If the content of a record is partially public and responsive to the request and partially exempt, the exempt portion of the content will be redacted. Redaction is “the process of masking or removing sensitive information in a document before releasing it for public use” (ARMA International, *Glossary of Records Management and Information Governance Terms*, 5<sup>th</sup> ed., 2016). The PIRT Administrator will cite the statutes that protect the redacted information.

## **3. Special Service Charge for Producing Records**

In most cases, public records are easily retrievable and provided electronically via email at no cost to the City or requestor. Pursuant to NCGS 132-6.2(b), a special service charge can be applied “if the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or if producing the record in the medium requested results in a greater use of information technology resources than that established by the agency for reproduction of the volume of information requested ...” The special service charge “shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services, or for a greater use of information technology resources that is actually incurred by the agency or attributable to the agency” (NCGS 132-6.2(b)).

The special service charge will be applied when searching, retrieving, copying, and refiling records for a PIRT request or a group of PIRT requests submitted by a single requestor the same business day requires more than four hours of an Information Technology Department employee’s time or more than four hours of extensive clerical or supervisory assistance. The requestor will not be charged for time spent reviewing records that resulted from a search, determining which records are responsive to a public records request, and redacting confidential information.

**The special service charge will be the hourly rate in accordance with the lowest paid employee who would be conducting the work.**

The PIRT Administrator will provide the requestor with a written estimate and extend the option of the requestor paying the charge. The requestor will be granted the opportunity to narrow the scope of the request to reduce or avoid the service charge.

The requestor is required to pay the City of Greensboro in advance of fulfillment of the request. If the time taken exceeds the estimate, an additional deposit will be required. Unused portions of the deposited funds are refunded. Payment can be made in-person at the Collections Office located in Room 11 on the Upper Ground (UG) Level of the Melvin Municipal Office Building, 300 W. Washington Street, or by

check made payable to “The City of Greensboro” mailed to the City of Greensboro, Collections Division, P.O. Box 3136, Greensboro, NC 27402. Please write Account Number 101-5501-01.8655 on the check’s memo line.

If the requestor wishes to dispute the special service charge, he/she may file a complaint to the PIRT Administrator within ten (10) business days of receiving the response to his/her request. The appeals process is found on page seven of the City’s Public Records Policy.

#### **4. Disputing a Records Request and Appeals Process**

If a requestor has a concern or complaint regarding the initial response sent, the City asks that the requestor first contact the PIRT Administrator to file a complaint within ten (10) business days of receiving the response to the public information request. The PIRT Administrator can be reached Monday-Friday, 8am-5pm by telephone: 336-373-3636 or e-mail: [inforequest@greensboro-nc.gov](mailto:inforequest@greensboro-nc.gov). The first appeal will be submitted to the Greensboro Library Director or the Director’s designee, who will review the records request, the information provided, and the dispute, and make a determination based on the appeal request. If further actions are requested beyond the first step, the appeal can be presented to the City Manager or his designee for review and determination.

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